

### ***Response to Appeal***

1. Based upon the submitted appeal arguments, the examiner the examiner notes applicant's characterization of the claimed message types. The examiner reads the claimed message types as on the same layer of protocol as an SMS MMS and EMS message. Examiner notes that applicant had made a clear distinction between different data formats (such as an email with or without an attachment and the claimed different message types.
2. The examiner notes newly discovered prior art, vacates the previous final rejection and submits a new set of NF rejections.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. The claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Deeds (US 20040203610 A1).

As per **claim 1,6,18**, Deeds discloses a method and system of message preparation in an electronic device (mobile phone) including a display with a menu (Fig 2). Deeds discloses that a

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menu (options selection menu list function) can be displayed to the user in order to allow the user to select (specify) a message type (para. 51). The message is created by a generic text editor (common for all message types). The phone comprises a control unit (fig. 1) which detects user entries in the disclosed menu. The message is received in the text editor when it is entered. The message is formatted to the desired format (para. 26) via the selected message type being assigned to the message. The text message is received from the common editor before the message type is selected and the format changed (para. 51).

As per **claim 2**, the message is displayed on the display for the user (para. 52) after using the back function.

As per **claim 3,7,19**, the options are selected via user actuation in a menu, which is scrolling in two directions via user actuation and confirmation (para. 59).

As per **claim 4,9,10**, the message is saved at every processing point in the system. The message must exist in memory for it to be displayed (the RAM). It is also disclosed that it can be stored (para. 34, 50) by the generic text editor (EEPROM or FLASH). After the user selects to save the message the message is automatically stored via the processor.

As per **claim 5**, the generic format text message can be stored (previously received) and retrieved (para. 34,50).

As per **claim 8**, (para. 59,60) the user may select send as email and an email address will be saved with the text entry. As such the entry will be changed in appearance by the information presentation unit (part of the controller) in dependence of the selections made by the user.

As per **claims 11,13**, the control unit can uploads the message to a desired web address (email address).

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As per **claim 12**, the message may be formatted and transmitted (uploaded) to a web address using an automated login (signaling information) (para. 27) using the IS-136 protocol.

As per **claim 14**, the menu on the display can comprise any number of softkey functions (para. 31). Fig. 2 discloses a 'names' menu function (not relevant to a selected message format) that is not selectable by the user when the editor is active because the screen will have the editor and the editor options menu selectable.

As per **claims 15,16**, the device is a cellphone.

As per **claim 17**, one of the message types is sms (para. 2).

As per **claim 20**, it is rejected as per the claim 1 rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 571-272-7498, and whose email address is alexander.jamal@uspto.gov

The examiner can usually be reached on M-F 8AM-5PM.

If attempts to reach the examiner by telephone or email are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 571-272-7499.

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The fax phone numbers for the organization where this application or proceeding is assigned are **571-273-8300** for regular communications and **571-273-8300** for After Final communications.

/Alexander Jamal/

Primary Examiner, Art Unit 2614

Examiner Alexander Jamal

June 16, 2010